



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,727	04/30/2001	Donald George Richardson	211016	3644

23460 7590 04/22/2003

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

EXAMINER

RAYMOND, EDWARD

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 04/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/830,727	RICHARDSON, DONALD GEORGE
	Examiner Edward Raymond	Art Unit 2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 March 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 29-52 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 29-52 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 April 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in–
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. **Claims 29-51** are rejected under 35 U.S.C. 102(e) as being anticipated by Woolley et al. Woolley et al. teach a method of monitoring a consignment of goods the method comprising measuring a parameter of the consignment (Claims 29, 38, and 52: see col. 16, lines 9-15) using a disposable sender device attached to the consignment (Claims 29, 38, and 52: see col. 16, lines 32-33: The Examiner notes that the asset tags of the reference can be disposed of); transmitting a signal containing data representative of the measured parameter to a database (Claims 29, 38, and 52: see col. 28, lines 43-50 and also col. 61, lines 5-15: The Examiner notes that the remote operations center 13 contains the database), the database comprising a set-point value associated with the consignment for the measured parameter (Claims 29, 38, and 52: see col. 41, lines 9-17); comparing the measured parameter with associated set-point value; and if the measured parameter is not within a range specified, at least in part, by

the set-point value, then initiating an intervention (Claims 29, 38, and 52: see col. 18, lines 28-33).

Woolley et al. teach a method of monitoring wherein the parameter is measured continuously or at predetermined intervals, and wherein the data include time-indicative data associated with the measured parameters (Claim 30 and 39: see col. 20, lines 30-52).

Woolley et al. teach a method of monitoring wherein the parameter is a temperature of the consignment (Claims 31 and 40: see col. 16, lines 43-45).

Woolley et al. teach a method of monitoring further comprising communicating the data to an intermediate sender device provided at a location of the consignment; and transmitting the data from the intermediate sender device to the database (Claim 32 and 41: see col. 16, 53-64).

Woolley et al. teach a method of monitoring including the step of determining the location of the consignment; and including data representative of the determined location in the data transmitted to the central location (Claims 33 and 42: see col. 17, lines 26-29).

Woolley et al. teach a method of monitoring further comprising storing the data in a storage means before transmission to the database (Claims 34, 35, 45, and 46: see col. 19, lines 57-61).

Woolley et al. teach a method of monitoring further comprising initializing the database to include consignment data for each consignment (Claim 36: see col. 16, lines 42-43).

Woolley et al. teach a method of monitoring further comprising providing secure communication access to the database to enable monitoring by enabled users of data available from the database (Claim 37: see col. 16, lines 32-39).

Woolley et al. teach a system for monitoring wherein the location determining means includes a global positioning system (Claim 43: see col. 17, lines 29-34).

Woolley et al. teach a system for monitoring wherein the intermediate sender device comprises the location finder (Claim 44: see col. 16, lines 58-64).

Woolley et al. teach a system for monitoring wherein the sender device is disposable and battery powered (Claim 47: see col. 19, lines 32-34).

Woolley et al. teach a system for monitoring wherein the sender device is disposable and inductively powered from the intermediate sender device (Claim 48: see col. 16, lines 46-52).

Woolley et al. teach a system for monitoring wherein the database includes set point values associated with the consignment for one or more of the measured parameters and the computer system means includes comparison means for comparing measured values with corresponding set point values to determine whether the consignment is meeting predetermined conditions (Claim 24: see col. 61, lines 5-15).

Woolley et al. teach a system for monitoring wherein the database comprises consignment data, and wherein the consignment data comprise dispatch and product data (Claim 49: see col. 17, lines 26-34: The Examiner notes that information about where a product is located is equivalent to dispatch data).

Wolley et al. teach a system further comprising secure communication access to the database to enable monitoring by enabled users of data available in the database wherein secure communication access is provided via the Internet (Claim 50: see col. 56, lines 36-40).

Woolley et al. teach a method of monitoring wherein initiating an intervention comprises recalling the consignment (Claim 51: see col. 18, lines 5-11 and also col. 54, line 53 through col. 55, line 39).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Art Unit: 2857

Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Raymond whose telephone number is 703-308-6235. The examiner can normally be reached on Monday through alternating Friday between 8:00 AM and 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4447 for regular communications and 703-308-0956 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1782.

April 19, 2003
Edward Raymond
Patent Examiner
Art Unit 2857


MARC S. HOFF
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800